

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY**

|   |   |                                    |
|---|---|------------------------------------|
| IN THE MATTER OF:                       | ) | Case No. 3482                      |
|   | ) |                                    |
| EARL S. KIMBELL, III., D.O.             | ) | <b>FINDINGS OF FACT, INTERIM</b>   |
| Holder of License No. 3489 for the      | ) | <b>CONCLUSIONS OF LAW, AND</b>     |
| practice of osteopathic medicine in the | ) | <b>ORDER OF SUMMARY SUSPENSION</b> |
| State of Arizona.                       | ) |                                    |
| _____                                   | ) |                                    |

The AZ Board of Osteopathic Examiners (hereafter "Board") held a public meeting on March 12, 2005 regarding Earl S. Kimbell III, D.O. (hereafter "Respondent"). Respondent was not present for the meeting, and was not represented by counsel. Following the Board's review of information obtained pursuant to A.R.S. §§ 32-1855 and 32-1855.01, and having considered the information given in the matter and being fully advised, the Board enters the following Findings of Fact, Interim Conclusions of Law, and Order of Summary Suspension, pending an Administrative Hearing.

**JURISDICTIONAL STATEMENTS**

1. The Board is empowered, pursuant to A.R.S. §§ 32-1800 et seq. to regulate the licensing and practice of osteopathic medicine in Arizona.
2. The Board has the authority to summarily suspend an osteopathic license pursuant to A.R.S. § 32-1855(C) and § 41-1064 when the physician may not safely engage in the practice of medicine and is an immediate threat to the public's health, welfare and safety.
3. Respondent holds license No. 3489 to practice osteopathic medicine in Arizona.

**FINDINGS OF FACT**

4. On February 1, 2005, Board staff received information that described Respondent as having displayed behavior symptomatic of a mental disorder or lack of orientation to reality.

5. On February 7, 2005, under the authority of A.R.S. § 32-1855 (d), Respondent was verbally directed to obtain a psychiatric evaluation to determine his fitness to practice. Respondent made the necessary appointments to obtain the evaluation. This direction was confirmed in a letter dated February 14, 2005.

6. On or about February 11, 2005 Respondent notified staff that he had cancelled the appointments and would not be obtaining the required evaluation. Respondent instead told staff he was closing his practice and requested that the Board cancel his license.

7. In public session, the Board voted on March 12, 2005 that Respondent is medically and/or psychologically unable to engage in the practice of medicine and is an immediate threat to the health and welfare of the public.

#### **INTERIM CONCLUSIONS OF LAW**

1. Pursuant to A.R.S. § 32-1800, et seq. the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The conduct and circumstances described in paragraphs 4 through 6 above constitute unprofessional conduct as defined in the following paragraphs of A.R.S. § 32-1854:

(20) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any of the provisions of this chapter; specifically, failing to obtain the psychiatric evaluation

(38) Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so.

(39) Any conduct or practice that impairs the licensee's ability to safely and skillfully practice medicine or that may reasonably be expected to do so.

#### **ORDER OF SUMMARY SUSPENSION**

#### **NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:**

Pursuant to A.R.S. §§32-1855(C) and 41-1064(C), License No. 3489 held by EARL S.

KIMBELL III, D.O., to practice osteopathic medicine is **SUMMARILY SUSPENDED** in the State of Arizona, effective March 12, 2005, pending further disciplinary proceedings or further Order of the Board.

ISSUED this 15th day of March, 2005.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY

*Signature on File*

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Elaine LeTarte, Executive Director  
9535 E. Doubletree Ranch Road  
Scottsdale AZ 85258  
(480) 657-7703

Original mailed by U.S. certified mail  
(return receipt requested)  
this 15th day of March, 2005 to:

Earl Kimbell, III, D.O.  
13825 N. 7th Street, Ste H  
Phoenix AZ 85022

Copy mailed this \_\_\_\_ day of March, 2005 to:

Blair Driggs, Asst Attorney General  
AG – Civil – LES  
15 N. 15<sup>th</sup> Avenue  
Phoenix AZ 85007